IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

WEDNESDAY, THE 3RD OCTOBER 2007 / 11TH ASWINA 1929

WP(C).No. 29197 of 2007(A)

PETITIONER:

K.M. JOY, S/O. MATHAI,
AGED 53 YEARS, KOTTAYIL HOUSE, KAVILUMPARA,
VATAKARA.

BY ADV. SRI.BIJU ABRAHAM
SRI.B.G.BHASKAR

RESPONDENTS:

P.M. SUKUMARAN, S/O. NARAYANAN,
PADANNAMAKKAL HOUSE, KAVILUMPARA, VATAKARA.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR & T.R.RAMACHANDRAN NAIR, JJ.

Writ Petition (C) No.29197 of 2007-A

Judgment

Balakrishnan Nair, J.

The petitioner is the tenant and the respondent is the landlord. The landlord sought eviction under Section 11(4)(iv) of the Kerala Buildings (Lease and Rent Control) Act, 1965. The RCP was allowed. The petitioner tenant filed RCA No.75/06 before the Rent Control Appellate Authority. During the pendency of the appeal, a new development, namely, the extension of the Kerala Municipal Building Rules to the Panchayat concerned, took place. The petitioner tried to raise the said subsequent development as an additional ground by filing an IA for amending the appeal memorandum. The said IA was considered by the Rent Control Appellate Authority and it was rejected by Ext.P4. So, this Writ Petition is filed, challenging Ext.P4 under Article 227 of the Constitution of India.

2. We feel that every time there is some adverse order, the petitioner need not rush to thus Court. He can challenge all those adverse orders passed by the Appellate Authority, while challenging the Judgment of the said

Authority, if the same is against him, before this Court under Section 20 of the Act, by filing a revision. In other words, the refusal of the Appellate Authority to look into an additional ground raised by him, based on a subsequent development can also be urged in revision before this Court, if ultimately, the appellate judgment is against him. In view of the above position, it is unnecessary to entertain this Writ Petition. Accordingly, it is closed without prejudice to the contentions of the petitioner.

K.BALAKRISHNAN NAIR,JUDGE

03.10.2007 **T.R.RAMACHANDRAN NAIR, JUDGE**

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